

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
SIDE JURISDICTION
CRIMINAL APPLICATION NO.1102 OF 2006
IN
CRIMINAL APPEAL NO.1020 OF 2006**

Madhukar Swami Palleria ...Applicant.
V/s.
The State of Maharashtra ...Respondent.

Shri Tariq Sayad, adv. for the Applicant.
Shri D.P.Adsule, A.P.P.for the Respondent/State.

**CORAM: J.H.BHATIA, J.
DATE : 23rd January, 2007.**

P.C.:

1. Heard Mr.Tariq Sayad, the learned counsel for the applicant and the learned APP, Mr.Adsule for the State.

2. The applicant was convicted for the offence punishable under Section 20(b) of the N.D.P.S.Act on the allegation of possession of 17.5 kgs. of Ganja and he was sentenced to undergo R.I. for 10 years and to pay a fine of Rs.1,00,000/-. He has preferred criminal appeal against the conviction and sentence. That appeal is admitted. By this application, he seeks to be released on bail.

3. The learned trial Court noted that the present applicant had brought Ganja from Andhra Pradesh and taking into consideration, the quantity, which is

slightly less than the commercial quantity, it could be safely held that he must have brought it for sale. The learned counsel for the applicant points out that during the trial, bail was granted to the applicant but he could not furnish the bail and, therefore, he continues to be in jail. According to him, the applicant may be in a position to furnish the bail bond only if bail bond amount is restricted to Rs.15,000/- for which solvency is not required. Taking into consideration the circumstances, I am unable to accept the contention that he should be granted bail restricting the bail bond amount to Rs.15,000/- only. He also admits that the applicant will not be in a position to deposit the fine amount of Rs.1 lakh. In such circumstances, no purpose is going to be served by granting bail to him. It will be infact, in the interest of justice to expedite final hearing of the appeal itself.

4. For the aforesaid reasons, bail application stands rejected.

(J.H.Bhatia, J.)

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1. However, criminal appeal be listed for final hearing as soon as paper-book is ready. The learned counsel for the applicant will be at liberty to supply private paper-book within a month.

5. Application stands disposed off.

(J.H.Bhatia, J.)